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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNILOC USA, INC., and
UNILOC LUXEMBOURG, S.A.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No.: 5:18-cv-00357-LHK

**JOINT MOTION TO EXTEND
DEADLINES**

Plaintiffs Uniloc USA, Inc. and Uniloc Luxembourg (collectively “Uniloc”) and Defendant Apple Inc. (“Apple”) jointly move to extend the upcoming claim construction deadlines, in light of recent orders regarding Uniloc’s standing, as will be described further below. In particular, the parties respectfully request a six-week extension for each of the claim construction deadlines set in the Case Management Order of June 26, 2020, Dkt. No. 178:

Scheduled Event	Current Deadline	Proposed Deadline
Opening Claim Construction Brief	Jan. 12, 2021	Feb. 23, 2021
Responsive Claim Construction Brief	Feb. 2, 2021	Mar. 16, 2021
Reply Claim Construction Brief	Feb. 16, 2021	Mar. 30, 2021
Claim Construction Hearing	April 1, 2021 at 1:30 p.m.	At the Court’s convenience

The parties are involved in a number of active (and stayed) patent cases in this Court. One set of such cases is before Judge Alsup, *Uniloc 2017 LLC et al. v. Apple Inc.*, Nos. 3:18-cv-00358, -00360, -00363, -00365 & -00572. On December 4, 2020, Judge Alsup granted Apple’s motion to dismiss for lack of subject-matter jurisdiction in the -358 Case on the grounds that Uniloc lacked constitutional standing to sue as of the date Uniloc filed the -358 Case in May 2017. *Id.*, Dkt. No. 186. Other courts have granted similar motions. In this District, Judge Gonzalez Rogers issued an order on December 22, 2020, in *Uniloc 2017 LLC v. Google LLC* Case Nos. 20-4355 et seq., dismissing eleven actions for Uniloc 2017’s lack of constitutional standing. And, in the District of Delaware, a December 30, 2020, Judge Connolly dismissed an action filed by Uniloc USA, Inc. and Uniloc Luxembourg S.A. for lack of constitutional standing in *Uniloc USA, Inc. et al. v. Motorola Mobility LLC*, Case No. 17-1658.

Each of these decisions held that a third party possessed the right to issue sublicenses to the patents in the Uniloc portfolio as of the date that the respective cases were filed. Consequently, these decisions dismissed the cases for lack of subject-matter jurisdiction because the Uniloc entities lacked constitutional standing to sue as of the date of filing.

1 Uniloc 2017 has filed a notice of appeal in the Google actions, and the other Uniloc
2 entities have filed a notice of appeal in the Apple action, and those entities will soon file a
3 similar notice in the Motorola action. Although those actions involved patents different from the
4 ones involved in the instant action, the decisions in those actions as to some of the various
5 factual and legal issues create issue preclusion that would bind Uniloc unless and until the
6 decisions are reversed or vacated on appeal.

7 Consequently, Uniloc has proposed to stay other actions between the parties that Uniloc
8 had filed after April 30, 2017, pending the outcome of those appeals. This case, however, was
9 filed on April 3, 2017, and the parties disagree on whether a stay pending these appeals is
10 appropriate here.

11 In order to avoid burdening the Court—and parties—with claim construction briefing
12 that might not be needed for some time, if at all, the parties thus request the six-week extension
13 spelled out above, to give them time to brief whether a stay is appropriate. Apple intends to file
14 its motion on or by January 19, 2021. The parties will then proceed as spelled out by the Local
15 Rules and the Court’s standard procedures, or as otherwise directed by the Court.

Dated: January 12, 2021

/s/ Aaron S. Jacobs

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COUNSEL FOR PLAINTIFF

Dated: January 12, 2021

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